

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. S5-4:06CR00337 CEJ (MLM) |
| |) | |
| |) | |
| GARY KAPLAN, and |) | |
| NEIL KAPLAN |) | |
| |) | |
| Defendants. |) | |

ORDER

Having considered, on motion, the third party petitions filed by Pat Cicalese, James R. Thompson, Jack Rohrer, Michael J. Eisenberg, Joshua Greene, Peter Nguyen, and William Waters and having considered the United States' Motion to Dismiss under Rule 32.2(c)(1)(A) and Memorandum in Support thereof, the Court assumes, for the purposes of the motion, the facts set forth in each third party petition are true and finds that each petitioner lacks standing and has failed to state a claim under Title 21, United States Code, Section 853(n). Therefore, it is hereby

ORDERED that the United States' Motion To Dismiss is GRANTED, and it is

FURTHER ORDERED that the third party petitions of Pat Cicalese, James R. Thompson, Jack Rohrer, Michael J. Eisenberg, Joshua Greene, Peter Nguyen, and William Waters are each dismissed pursuant to Rule 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure.

So ORDERED, this ____ day of October, 2009.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE